

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MERRYL OSDOBY, on behalf of herself
and others similarly situated,

Case No.: 2:22-cv-04199-NG-JMW

Plaintiff,

v.

HANDI-FOIL CORP.

Defendant.

PLAINTIFF'S NOTICE OF MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support, and upon all other papers and prior proceedings had herein, Plaintiff moves this Court, on a date and at a time designated by the Court, for an order pursuant to Fed. R. Civ. P. 23 certifying this action as a class action.

As set forth in the accompanying Memorandum of Law in Support of Plaintiff's Motion for Class Certification, Plaintiff meets all of the requirements of Rule 23(a) and 23(b)(3). The members of the Class are so numerous that joinder of all members is impracticable; common questions of law and fact exist which predominate over individual questions; Plaintiff's claims are typical of the claims of the other members of the Class as all members of the Class were similarly affected by Defendant's conduct; Plaintiff will fairly and adequately protect the interests of the members of the Class and has retained counsel competent and experienced in class action and consumer fraud litigation; common questions of law and fact exist as to all members of the Class and such questions predominate over any questions solely affecting individual members of the Class; and, a class action is superior to all other available methods for the fair and efficient adjudication of this controversy.

Accordingly, this Court should certify this case as a class action pursuant to Rule 23(a) and 23(b)(3), with the Class consisting of:

All persons who purchased Handi-Foil retail products (the “Products”) in New York State between July 18, 2019 and the date the Class is certified primarily for personal, family, or household purposes, and not for resale.

The Products include all Handi-Foil aluminum pans, aluminum containers and aluminum roll foil sold at retail.

Excluded from the Class are current and former officers and directors of Defendant, members of the immediate families of the officers and directors of Defendant, Defendant’s legal representatives, heirs, successors, assigns, and any entity in which they have or have had a controlling interest. Also excluded from the Class is the judicial officer to whom this lawsuit is assigned.

DATED: December 1, 2023

Respectfully submitted,

By: /s/ Robert L. Kraselnik
LAW OFFICES OF
ROBERT L. KRASELNIK, PLLC
261 Westchester Avenue
Tuckahoe, NY 10707
(646) 342-2019
robert@kraselnik.com
Attorney for Plaintiff and the Proposed Class